

Message Text

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ACTION ACDA-10

INFO OCT-01 IO-13 ISO-00 NSC-05 DODE-00 CIAE-00 SS-15
PM-04 OES-06 SP-02 ACDE-00 SSO-00 INR-07 L-03
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DEPT PASS IO/SCT; ACDA FOR DAVIES, GRAHAM; ERDA FOR DUFF/ISA,
BRUSH/OGC, GENEVA FOR BUCHHEIM

EO 11652: NA (DECONTROL 31 DECEMBER 1977)
TAGS: PARM, TECH, IAEA
SUBJECT: IAEA AD HOC ADVISORY GROUP ON NUCLEAR EXPLOSIONS FOR PEACE-
FUL PURPOSES: WORKING PARTY DISCUSSIONS OF DOC 23/21- APRIL 18-19

REF: STATE 85721

BEGIN SUMMARY. US REPS REPORT WORKING PARTY DISCUSSIONS OF
ALTERNATE LEGAL STRUCTURES AVAILABLE FOR INTERNATIONAL NEPP
ARRANGEMENTS AND REQUEST INSTRUCTIONS TO PERMIT ACCEPTANCE
OF REVISED DOCUMENT TITLE. END SUMMARY..

1. DOC. 23/21. INFORMAL WORKING PARTY FOR WHICH OFFICIAL
RECOED IS NOT KEPT MET APRIL 18 (AFTERNOON) AND APRIL 19 (MORNING)
WITH WILSON CHAIRING. A SUGGESTED REDRAFT OF THE MATERIAL IN
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DOC 23/14 AND 23/17, PREPARED BY US REPS IN ACCORDANCE WITH
PARA 7C OF REFTL, WAS CIRCULATED AT START OF SESSION AS DOC.
23/21. TEXT OF DOC. 23/21 TRANSMITTED SEPTL.
THIS DOCUMENT AS ACCEPTED BY GROUP AS THE BASIS FOR
DEVELOPMENT OF GROUPS REPORT ON ALTERNATIVE LEGAL IN-
STRUMENTS AND AS REPLACEMENT FOR DOCS. 23/14 AND 23/17.
MOST OF SESSION WAS DEVOTED TO DISCUSSION AND MINOR

REDRAFTING OF THIS DOCUMENT.

2. DURING WORKING PARTY DISCUSSION OF DOC. 23/21, SWEDISH DEL PROPOSED NEW TITLE FOR DOC AS FOLLOWS: "PRINCIPLES OR MATTERS TO BE CONSIDERED IN FORMULATING LEGAL INSTRUMENTS FOR USE IN IMPLEMENTING ARTICLE V OF THE NON PROLIFERATION TREATY IN THE MANNER ENVISAGED IN THE DECLARATION OF THE NPT REVIEW CONFERENCE". SWEDISH REP PRIVATELY TOLD US REPS THAT HIS CONCERN WAS TO CHANGE ALL REFERENCES NOW IN GROUP DOCS FROM INTERNATIONAL NEPP "SERVICE" TO INTERNATIONAL NEPP "ARRANGEMENTS". SWEDISH GOVT HAS NO INTEREST IN ESTABLISHMENT OF SERVICE PER SE, BUT ONLY IN "FULFILLING" ARTICLE FIVE OF NPT. US REPS AND SWEDISH REP LATER DEVELOPED POSSIBLE REFORMULATION OF ABOVE LANGUAGE, AS FOLLOWS, FOR NEW TITLE THIS SECTION OF GROUP REPORT: VARIOUS ALTERNATIVE METHODS OF INSTITUTING INTERNATIONAL ARRANGEMENTS FOR THE PROVISION OF (NEPP), CONSISTENT WITH THE (NPT) AND THE NPT REVIEW CONFERENCE FINAL DECLARATION. THIS NEW TITLE APPEARS ACCEPTABLE ALL WORKING PARTY PARTICIPANTS. US REPS REQUEST AUTHORITY TO ACCEPT NEW TITLE WHEN GROUP PLENARY MEETINGS RESUME MORNING APRIL 21.

3. DURING WORKING PARTY DISCUSSIONS, SENTIMENT FOR CHOOSING A PARTICULAR ALTERNATIVE AND/OR EVALUATING SEVERAL ALTERNATIVES EMERGED, WITH MEXICO AND EGYPT PROPONENTS OF THESE VIEWS. WORKING PARTY TACITLY AGREED TO KEEP OUT PROS AND CONS BUT TO INCLUDE CONSEQUENCES OF EACH ALTERNATIVE FOR BOARD'S INFORMATION. SENSITIVITY TO INCLUSION LIMITED OFFICIAL USE

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OR DELETION OF PARTICULAR ATTRIBUTES OF EACH ALTERNATIVE FROM PROS AND CONS LISTS OF DOCS. 23/14 AND 23/17 WAS REVEALED DURING DISCUSSION. SEVERAL DELS IMPLIED THEY FELT DOC. 23/21 BETRAYED BIAS AGAINST ONE OR MORE ALTERNATIVES, WITH CZECH DEL "COUNTING" (INACCURATELY) POINTS HE THOUGHT PRO VERSUS THOSE HE THOUGHT CON-THEREBY HELPING TO DEMONSTRATE VALIDITY OF US CONCERNS AS TO POSSIBLE MISUSE OF PROS AND CONS.

4. JAPANESE DEL PROPOSED WORKING PARTY TRANSPOSE POSITION OF FIRST TWO ALTERNATIVES SO THAT ONLY ALTERNATIVE FOR WHICH ANY DELS HAVE SO FAR EXPRESSED A CLEAR PREFERENCE(ALT "B") WOULD BE DESIGNATED AS ALTERNATIVE "ONE", AND ALTERNATIVE "A" OF DOC. 23/14 DESIGNATED "TWO" INDOC. 23/21.

5. SEVERAL DELS EXPRESSED WISH TO RETAIN VARIANTS IN REPORT, INCLUDING DELS OF SWEDEN AND UK. UK DEL ASKED TO BRIEFLY FORMULATE ALL VARIANTS BY CHAIRMAN. UK DEL ALSO PREPARING REDRAFT OF THIRD ALTERNATIVE IN ATTEMPT TO SIMPLIFY AND SHORTEN

DESCRIPTION.

6. JAPANESE AND FRG DELS REITERATED PREFERENCE FOR MULTILATERAL COMPREHENSIVE TREATY (ORIGINALLY ALTERNATIVE B). FRG MADE STRONG INTERVENTION TO INCLUDE RECOMMENDATION OF THIS ALTERNATIVE IN GROUP REPORT, SAYING IF RECOMMENDATION WAS NOT INCLUDED, REPORT WOULD NOT BE SUBSTANTIVE AND SHOULD BE PRESENTED AS AN INTERIM REPORT, WITH THE FINAL REPORT DELAYED UNTIL CONSENSUS WAS REACHED ON A RECOMMENDATION. NO OTHER DELS RESPONDED TO THIS ARGUMENT.

7. EGYPTIAN DEL STATED VIEW THAT LITTLE BASIC DIFFERENCE EXISTED BETWEEN FIRST TWO ALTERNATIVES, AND NOTED THAT "ONLY ONE ALTERNATIVE WAS AVAILABLE UNDER NPT ARTICLE FIVE AND REV CON DECLARATION," I.E., THE MULTINATIONAL COMPREHENSIVE TREATY. BOTH UK AND US REPS NOTED IN REPLY THAT DRAFTERS OF NPT CLEARLY ENVISAGED POSSIBILITY OF SEVERAL LIMITED OFFICIAL USE

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AGREEMENTS UNDER ART FIVE AND THAT GENERAL PRINCIPLES-PROJECT AGREEMENTS APPROACH SET OUT IN ALT "A" OF DOC. 23/14. CLEARLY WOULD SATISFY ART FIVE. EGYPTIAN DEL (SIRRY) INTEREST APPEARS TO BE IN DISCREDITING THE GENERAL PRINCIPLES ALTERNATIVE.

8. CHAIRMAN WILL CIRCULATE REDRAFT OF DOC. 23/21, INCORPORATING WORKING PARTY COMMENTS, AFTERNOON OF APRIL 19.

9. DOC. 23/13 WAS ALSO DISCUSSED ON APRIL 18 AND 19 AND IS REPORTED ON IN SEPTEL. STONE

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